

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 412

Citations Affected: IC 4-1-10; IC 36-2.

Synopsis: Social Security number disclosures. Conference committee report for ESB 412. Specifies the circumstances under which a state educational institution may disclose a Social Security number to a contractor or other person. Specifies that the statement on a recorded instrument regarding redaction of Social Security numbers must be located at the conclusion of the instrument and immediately preceding or following the name of the person who prepared the instrument. **(This conference committee report does the following: (1) Adds the requirement that the statement on a recorded instrument regarding redaction of Social Security numbers be located "immediately preceding or following" the name of the person who prepared the instrument. (2) Changes the effective date of the provision concerning the statement on an instrument regarding the redaction of Social Security numbers from "effective upon passage" to "July 1, 2007". (3) Changes the effective date of the definition of "person" from "July 1, 2007" to "effective upon passage". (4) Makes a technical change.)**

Effective: Upon passage; July 1, 2007.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 412 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-1-10-1.5 IS ADDED TO THE INDIANA CODE
- 3 AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
- 4 **PASSAGE]: Sec. 1.5. As used in this chapter, "person" means an**
- 5 **individual, a corporation, a limited liability company, a**
- 6 **partnership, or other legal entity.**
- 7 SECTION 2. IC 4-1-10-5.5 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 **UPON PASSAGE]: Sec. 5.5. Unless prohibited by state law, federal**
- 10 **law, or a court order, the following apply:**
- 11 (1) **A state educational institution may disclose, in addition to**
- 12 **the disclosures otherwise permitted by this chapter, a Social**
- 13 **Security number of an individual to the following:**
- 14 (A) **A state, local, or federal agency or a person with whom**
- 15 **a state, local, or federal agency has a contract to perform**
- 16 **the agency's duties and responsibilities.**
- 17 (B) **A person that the state educational institution contracts**
- 18 **with to provide goods or services to the state educational**
- 19 **institution if:**
- 20 (i) **the disclosure is necessary for the contractor to**
- 21 **perform the contractor's duties and responsibilities**
- 22 **under the contract; and**

(ii) the contract requires adequate safeguards, including any safeguards required by state or federal law, to prevent any use or disclosure of the Social Security numbers for any purpose other than those purposes described in the contract and to require the return or confirmed destruction of any Social Security numbers following termination of the contractual relationship.

(C) Persons to whom the state educational institution may otherwise legally disclose for the permissible purposes of the following:

(i) The Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(ii) The Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq.).

(D) The state educational institution's legal counsel, but only to the extent that a state educational institution could disclose a Social Security number to an in-house counsel.

(2) Consent for the authorized disclosure of any individual's Social Security number may be given to a state educational institution by electronic transmission if the state educational institution is reasonably able to verify the authenticity of the consent. A state educational institution may rely on the written consent of an individual given to a third party if the consent expressly permits the disclosure of the individual's Social Security number by the state educational institution.

SECTION 3. IC 36-2-7-10.1, AS AMENDED BY P.L.171-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) As used in this section, "bulk form" means:

- (1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;
- (2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or
- (3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

- (1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
- (2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by

1 the county recorder.

2 (f) The county recorder shall collect the fees prescribed by this
3 section for the sale of recorded documents in bulk form copies to bulk
4 users of public records. The county recorder shall pay the fees into the
5 county treasury at the end of each calendar month. The fees prescribed
6 and collected under this section supersede all other fees for bulk form
7 copies required by law to be charged for services rendered by the
8 county recorder to bulk users.

9 (g) Except as provided by subsection (h), the county recorder shall
10 charge bulk users the following for bulk form copies:

11 (1) Five cents (\$0.05) per page for a recorded document,
12 including the index of the instrument number or book and page,
13 or both, for retrieving the recorded document.

14 (2) Five cents (\$0.05) per recorded document for a copy of the
15 other indices used by the county recorder for finding, retrieving,
16 and viewing a recorded document.

17 (h) As used in this subsection, "actual cost" does not include labor
18 costs or overhead costs. The county recorder may charge a fee that
19 exceeds the amount established by subsection (g) if the actual cost of
20 providing the bulk form copies exceeds the amount established by
21 subsection (g). However, the total amount charged for the bulk form
22 copies may not exceed the actual cost plus one cent (\$0.01) of
23 providing the bulk form copies.

24 (i) The county recorder shall provide bulk users with bulk form
25 copies in the format or medium in which the county recorder maintains
26 the recorded documents and indices. If the county recorder maintains
27 the recorded documents and indices in more than one (1) format or
28 medium, the bulk user may select the format or medium in which the
29 bulk user shall receive the bulk form copies. If the county recorder
30 maintains the recorded documents and indices for finding, retrieving,
31 and viewing the recorded documents in an electronic or a digitized
32 format, a reasonable effort shall be made to provide the bulk user with
33 bulk form copies in a standard, generally acceptable, readable format.
34 Upon request of the bulk user, the county recorder shall provide the
35 bulk form copies to the bulk user within a reasonable time after the
36 recorder's archival process is completed and bulk form copies become
37 available in the office of the county recorder.

38 (j) Bulk form copies under this section may be used:

39 (1) in the ordinary course of the business of the bulk user; and

40 (2) by customers of the bulk user.

41 The bulk user may charge its customers a fee for using the bulk form
42 copies obtained by the bulk user. However, bulk form copies obtained
43 by a bulk user under this section may not be resold.

44 (k) All revenue generated by the county recorder under this section
45 shall be deposited in the recorder's record perpetuation fund and used
46 by the recorder in accordance with section ~~10(c)~~ **10(d)** of this chapter.

47 (l) This section does not apply to enhanced access under
48 IC 5-14-3-3.

49 SECTION 4. IC 36-2-11-15, AS AMENDED BY P.L.171-2006,
50 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
51 JULY 1, 2007]: Sec. 15. (a) This section does not apply to:

- (1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;
- (2) a judgment, order, or writ of a court;
- (3) a will or death certificate;
- (4) an instrument executed or acknowledged outside Indiana; or
- (5) a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

- (1) the name of the person and governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; and
- (2) all Social Security numbers in the document are redacted, unless required by law.

(c) An instrument complies with subsection (b)(1) if it contains a statement in the following form:

"This instrument was prepared by (name).".

(d) An instrument complies with subsection (b)(2) if it contains a statement in the following form **at the conclusion of the instrument and immediately preceding or following the statement required by subsection (b)(1):**

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (name).".

SECTION 5. An emergency is declared for this act.

(Reference is to ESB 412 as reprinted April 10, 2007.)

Conference Committee Report
on
Engrossed Senate Bill 412

Signed by:

Senator Hershman
Chairperson

Representative Micon

Senator Lanane

Representative Walorski

Senate Conferees

House Conferees